

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBIN REESE, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

ODWALLA, INC. AND THE COCA-COLA CO.,

Defendants.

Case No.: 13-CV-947 YGR

ORDER DIRECTING PARTIES TO FILE
SUPPLEMENTAL BRIEFING AND SETTING
HEARING ON REQUEST TO LIFT STAY AND
RENEW CONSIDERATION OF MOTION TO
DISMISS; VACATING MAY 8, 2015
COMPLIANCE HEARING

The parties have filed their Joint Statement In Advance of Compliance Hearing (Dkt. No. 67) setting forth their positions on the propriety of a continued stay awaiting agency action from the U.S. Food and Drug Administration ("FDA") action concerning use of the term "evaporated cane juice," or "ECJ." The Court has considered the parties' statement and **ORDERS** as follows:

Defendants Odwalla, Inc. and the Coca-Cola Company ("Defendants") shall file a supplemental brief of no more than 10 pages no later than **May 20, 2015**, addressing: (a) whether the stay should be lifted as requested by Plaintiffs, particularly in light of the Ninth Circuit's recent decision in *Reid v. Johnson & Johnson*, 780 F.3d 952 (9th Cir. 2015); and (2) any new factual and legal developments pertinent to Defendants' preemption argument in its prior motion to dismiss. Plaintiffs shall file a responsive brief of no more than 10 pages no later than **June 3, 2015**.

The parties need not repeat any arguments made in their May 1, 2015 filing (Dkt. No. 67), or any arguments made in their prior briefing on Defendants' Motion to Dismiss (Dkt. No. 28), and the opposition and reply thereto (Dkt. Nos. 36, 42).

The Court sets a hearing date on the request to lift the stay and the motion to dismiss for **June 16, 2015, at 2:00 p.m.** The compliance hearing currently set for Friday, May 8, 2015 is **VACATED**.

IT IS SO ORDERED.

Date: May 6, 2015



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE